IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.194 of 2007

Prajakti Mohanish Sawant ..... Appellant.

V/s

Mohanish Madhukar Sawant. ..... Respondent.

Ms. Seema Sarnaik for the appellant.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATE : 19th November, 2007.

P.C.:

1. Husband and wife filed a Petition for divorce by consent under section 13-B. Admitedly, within six months of filing of the Petition for divorce by consent under section 13-B, the respondent sought withdrawal of his consent. The Court has granted it. According to the learned Counsel, the reasons given for withdrawal of the consent are not proper.

2. In our opinion, looking to the scheme of section 13-B, it

is obvious that the period of six months is given during which the Petition for consent divorce is required to be kept pending, so that parties can reconsider their respective position and if they want, either both of them or any one of them can withdraw their consent. The learned Counsel submits that withdrawal of consent cannot be unilateral by one of the parties. In our opinion, this submission is not well founded because the Petition is filed by both the parties. The basis of the Petition is consent of both the parties and it is obvious therefore that if one of them withdraws his/her consent, Petition itself cannot survive. We do not see any illegality in the impunged order. Hence, the appeal is dismissed.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)